IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 29563 of 2006(T)

PETITIONER:

GEOGY GEORGE,
GOVT. CONTRACTOR, KOTTUKAPPILLY HOUSE,
KALPATHY, PALAKKAD.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.ARUL KUMAR.P

RESPONDENTS:

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1. THE PRE-QUALIFICATION COMMITTEE FOR THE WORK PMGSY 2005-06(PHASE V), PACKAGE NO.KR-10-05, KUKZHALMANNAM BLOCK, REPRESENTED BY ITS CONVENER & SUPERINTENDING ENGINEER, CRD, KERALA STATE RURAL ROADS DEVELOPMENT AGENCY, PANAVILA JUNCTION, THIRUVANANTHAPURAM-14.

2. THE COMMISSIONER FOR RURAL DEVELOPMENT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON 06/12/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Standard Bidding Document issued by the 1st respondent.

Ext.P2: True copies of the documents produced along with the tender.

Ext.P3: True copy of the experience certificate given by the Executive Engineer on similar work.

Ext.P4: True copy of the Minutes of the pre-qualification committee.

Ext.P5: True copy of the letter from the 1st respondent disqualifying the petitioner on a trivial reason.

Ext.P6: True copy of the petition sent to the 2nd respondent.

RESPONDENT'S EXHIBITS:

Ext.R1(A): Copy of the report.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.29563 OF 2006

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Dated this the 6th day of December 2006

JUDGMENT

Writ petition is filed challenging disqualification of petitioner from participating in the tender. Government Pleader filed counter affidavit stating that petitioner did not produce experience certificate at the time of furnishing tender. However, subsequently petitioner furnished experience certificate which qualifies him for award of the contract. There were two tenderers and one of them was already disqualified. Petitioner has quoted 0.410 below the estimated cost. Since the disqualification is only regard to non-filing of experience certificate, which was later filed by the petitioner, there will be a direction to respondents to accept certificate and award the contract if petitioner is otherwise eligible. Respondents can proceed with the award of contracts and execution of work in all other items of work.

Writ petition is disposed of.

C.N.RAMACHANDRAN NAIR, JUDGE

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